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**SUBSTITUTE HOUSE BILL 1623**

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**State of Washington**

**60th Legislature**

**2007 Regular Session**

**By** House Committee on Technology, Energy & Communications (originally sponsored by Representative Morris)

READ FIRST TIME 02/20/07.

1 AN ACT Relating to setting fees for utility easements on state-  
2 owned aquatic lands; and amending RCW 79.110.230 and 79.110.240.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 79.110.230 and 2005 c 155 s 216 are each amended to  
5 read as follows:

6 (1) The use of state-owned aquatic lands for public utility lines  
7 owned by a governmental entity shall be granted by an agreement,  
8 permit, or other instrument if the use is consistent with the purposes  
9 of RCW 79.105.010, 79.105.030, 79.105.050, 79.105.210, 79.105.400, and  
10 79.130.070 and does not obstruct navigation or other public uses. The  
11 department may recover only its (~~reasonable-direct~~) administrative  
12 costs incurred in processing and approving the request or application,  
13 and reviewing plans for construction of public utility lines as  
14 determined under RCW 79.110.240. (~~For purposes of this section,~~  
15 ~~"direct administrative costs" means the cost of hours worked directly~~  
16 ~~on an application or request, based on salaries and benefits, plus~~  
17 ~~travel reimbursement and other actual out-of-pocket costs. Direct))  
18 Administrative costs recovered by the department must be deposited into  
19 the resource management cost account.~~

1 (2) The use of state-owned aquatic lands for local public utility  
2 lines owned by a nongovernmental entity will be granted by easement if  
3 the use is consistent with the purpose of RCW 79.105.010, 79.105.030,  
4 79.105.050, 79.105.210, 79.105.400, and 79.130.070 and does not  
5 obstruct navigation or other public uses. The total charge for the  
6 easement will be determined under RCW 79.110.240.

7 (3) Nothing in this section limits the ability of the department to  
8 obtain payment for commodity costs, such as lost revenue from renewable  
9 resources, resulting from the granted use of state-owned aquatic lands  
10 for public utility lines.

11 **Sec. 2.** RCW 79.110.240 and 2005 c 155 s 162 are each amended to  
12 read as follows:

13 (1) Until July 1, (~~(2008)~~) 2017, the charge for the term of an  
14 easement granted under RCW (~~(79.105.220(2))~~) 79.110.230(2) will be  
15 determined as follows and will be paid in advance upon grant of the  
16 easement:

17 (a) Five thousand dollars for individual easement crossings that  
18 are no longer than one mile in length;

19 (b) Twelve thousand five hundred dollars for individual easement  
20 crossings that are more than one mile but less than five miles in  
21 length; or

22 (c) Twenty thousand dollars for individual easement crossings that  
23 are five miles or more in length.

24 (2) The charge for easements under subsection (1) of this section  
25 must be adjusted annually by the rate of yearly increase in the most  
26 recently published consumer price index, all urban consumers, for the  
27 Seattle-Everett SMSA, over the consumer price index for the preceding  
28 year, as compiled by the bureau of labor statistics, United States  
29 department of labor for the state of Washington rounded up to the  
30 nearest fifty dollars.

31 (3) The term of the easement (~~(is)~~) may not exceed thirty years.

32 (4) In addition to the charge for the easement under subsection (1)  
33 of this section, the department may recover its (~~(reasonable direct)~~)  
34 administrative costs incurred in receiving an application for the  
35 easement, approving the easement, and reviewing plans for and  
36 construction of the public utility lines. For the purposes of this  
37 subsection, "~~(direct)~~ administrative costs" (~~(means the cost of hours~~

1 ~~worked directly on an application, based on salaries and benefits, plus~~  
2 ~~travel reimbursement and other actual out of pocket costs))~~ is  
3 equivalent to twenty percent of the fee for the easement as determined  
4 under subsection (1) of this section and adjusted under subsection (2)  
5 of this section. For public utility lines owned by a governmental  
6 entity, the administrative costs will be calculated based on the length  
7 of the easement and the fee that it would be charged if it were subject  
8 to the easement charges in this section. When multiple public utility  
9 lines are owned by the same entity and are authorized under the same  
10 easement, the administrative fee for the easement shall be equal to  
11 twenty percent of the easement fee for the single longest public  
12 utility line. ((Direct)) Administrative costs recovered by the  
13 department must be deposited into the resource management cost account.

14 (5) Applicants under RCW ((~~79.105.220(2)~~)) 79.110.230(2) providing  
15 a residence with an individual service connection for electrical,  
16 natural gas, cable television, or telecommunications service are not  
17 required to pay the charge for the easement under subsection (1) of  
18 this section but shall pay administrative costs under subsection (4) of  
19 this section.

20 (6) A final decision on applications for an easement must be made  
21 within one hundred twenty days after the department receives the  
22 completed application and after all applicable regulatory permits for  
23 the aquatic easement have been acquired. This subsection applies to  
24 applications submitted before June 13, 2002, as well as to applications  
25 submitted on or after June 13, 2002. Upon request of the applicant,  
26 the department may reach a decision on an application within sixty days  
27 and charge an additional fee for an expedited processing. The fee for  
28 an expedited processing is ((~~the greater of: (a)~~)) ten percent of the  
29 combined total of the easement charge and ((direct)) administrative  
30 costs((; or (b) the cost of staff overtime, calculated at time and one-  
31 half, associated with the expedited processing)).

32 (7) By December 31, 2016, the legislature shall review the granting  
33 of easements on state-owned aquatic lands under this chapter and  
34 determine whether all applications for easements are processed within  
35 one hundred twenty days for normal processing of applications and sixty  
36 days for expedited processing of applications, and whether the granting

1 of easements on state-owned aquatic lands generates reasonable income  
2 for the aquatic lands enhancement account.

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